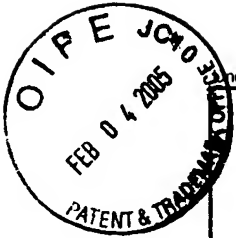


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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/773,618
		Filing Date	February 6, 2004
		First Named Inventor	Thomas W. DUBENSKY, Jr.
		Art Unit	1645
		Examiner Name	J. Graser
Total Number of Pages in This Submission	8 + 17 Refs.	Attorney Docket Number	282172002800

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (Supplemental – 3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO/SB/08a/b + copy (4 pages) 2. 17 References 3. Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 25220)		
Signature			
Printed name	Alicia J. Hager		
Date	February 4, 2005	Reg. No.	44,140

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV336621795US, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 4, 2005

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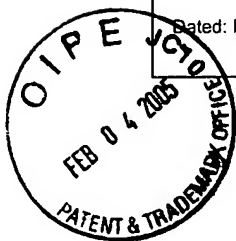
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV336621795US, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 4, 2005

Signature: _____

Georgia Matos
(Georgia Matos)

PATENT
Docket No. 282172002800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,618

Filing Date: February 6, 2004

For: MODIFIED FREE-LIVING MICROBES,
VACCINE COMPOSITIONS AND
METHODS OF USE THEREOF

Examiner: J. Graser

Group Art Unit: 1645

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO/SB/08a/b were cited in an Invitation To Pay Additional Fees mailed on January 5, 2005, and on January 18, 2005, directed to counterpart international or foreign applications and have not been previously cited. (US 6,150,424, an English

language patent, was cited as a patent family member of WO 98/09616 in the Patent Family Annex of the Invitation To Pay Additional Fees mailed on January 18, 2005.)

A certification under 37 C.F.R. § 1.97(e)(1) follows: I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

A statement under 37 C.F.R. § 1.704(d) follows: Each item of information contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Supplemental Information Disclosure Statement.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.

- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

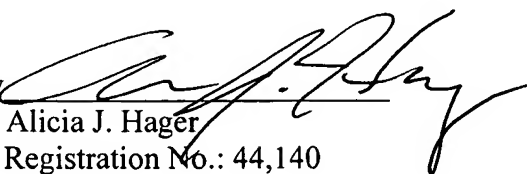
Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

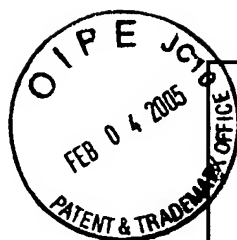
In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **282172002800**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Ac

Dated: February 4, 2005

Respectfully submitted,

By 
Alicia J. Hager
Registration No.: 44,140

MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-4296



Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/773,618
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
Sheet	1	of	2	Attorney Docket Number	282172002800

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-2002/0136738-A1	09-26-2002	Agrewala et al.	
	2.	US-2003/0077263-A1	04-24-2003	Maraskovsky et al.	
	3.	US-2004/0009194-A1	01-15-2004	Andrieu et al.	
	4.	US-6,150,424-A	11-21-2000	Breitenbach et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	5.	WO-97/22349-A1	06-26-1997	The Board of Trustees of The Leland Stanford Junior University		
	6.	WO-98/09616	03-12-1998	BASF AG	Translation of Abstract Only	
	7.	WO-01/77358-A2, A3	10-18-2001	Biovex Limited		
	8.	WO-02/40046	05-23-2002	AKZO N.V.		
	9.	WO-02/083879-A2, A3	10-24-2002	Alimentary Health Limited		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	10.	Anonymous (February 4, 2003). "Cerus Corporation Starts Vaccine Trial for Epstein-Barr Virus," <i>Press Release, Cerus Corporation</i> , located at < http://www.cerus.com/pages/PR/2003/PRO20403.html > last visited on November 8, 2004, two pages.	
	11.	Henderson, R.A. et al. (July 15, 1997). "Activation of Human Dendritic Cells Following Infection with <i>Mycobacterium tuberculosis</i> ," <i>The Journal of Immunology</i> 159(2):635-643.	
	12.	Invitation To Pay Additional Fees mailed January 5, 2005, for PCT Application Number PCT/US2004/023881 filed July 23, 2004, seven pages.	
	13.	Invitation To Pay Additional Fees mailed January 18, 2005, for PCT Application Number PCT/US2004/003671 filed February 6, 2004, seven pages.	
	14.	Maru, G. B. et al. (1987). "Formation and Persistence of Isoniazid-DNA Adducts in Mouse Tissues," <i>BIOSIS Database, Biosciences Information Service, Database Accession No. PREV198783117667</i> , Abstract, one page.	
	15.	Maru, G. B. et al. (1987). "Formation and Persistence of Isoniazid-DNA Adducts in Mouse Tissues," <i>Human Toxicology</i> 6(2):153-158.	
	16.	Rescigno, M. et al. (March 2001). "Dendritic Cells, Loaded with Recombinant Bacteria Expressing Tumor Antigens, Induce a Protective Tumor-Specific Response," <i>Clinical Cancer Research</i> 7(Suppl.):865s-870s.	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/773,618
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
Sheet	2	of	2	Attorney Docket Number	282172002800

	17.	Rescigno, M. et al. (March 2001). "Dendritic Cells, Loaded with Recombinant Bacteria Expressing Tumor Antigens, Induce a Protective Tumor-Specific Response," <i>Medline Database, U.S. National Library of Medicine (NLM), Database Accession No. NLM11300484</i> . Abstract, one page.	
	18.	Sashinami, H. et al. (January 2003). "Effective Induction of Acquired Resistance to <i>Listeria monocytogenes</i> by Immunizing Mice With In Vivo-Infected Dendritic Cells," <i>Infection and Immunity</i> 71(1):117-125.	
	19.	Sharma, N. et al. (July 1, 2004). "Potent Role of Vaccines Prepared from Macrophages Infected with Live Bacteria in Protection against <i>Mycobacterium tuberculosis</i> and <i>Salmonella typhimurium</i> Infections," <i>Journal of Infectious Diseases</i> 190(1):107-114.	
	20.	Svensson, M. et al. (May 1, 1997). "Bone Marrow-Derived Dendritic Cells Can Process Bacteria for MHC-I and MHC-II Presentation to T Cells," <i>The Journal of Immunology</i> 158(9):4229-4236.	
	21.	Worgall, S. et al. (July 2001). "Protection Against Pulmonary Infection with <i>Pseudomonas aeruginosa</i> Following Immunization with <i>P. aeruginosa</i> -Pulsed Dendritic Cells," <i>Infection and Immunity</i> 69(7):4521-4527.	

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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